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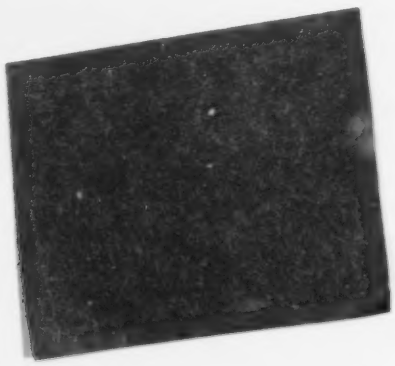
QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 4 February 1997 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights and has the honour to submit herewith a study entitled "Facts concerning the use of radioactive weapons by the coalition forces and their effects on the environment and the population in Iraq".

The Permanent Mission of the Republic of Iraq would be grateful if this study could be circulated as an official document of the fifty-third session of the Commission on Human Rights under agenda item 10.



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Facts concerning the use of radioactive weapons by the coalition forces and their effects on the environment and the population in Iraq

Introduction

Further to the study which the Government of the Republic of Iraq submitted to the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and which appeared in document E/CN.4/Sub.2/1996/32 of 9 June 1996, we wish to draw attention to the following facts concerning the excessive use of various weapons, some radioactive types of which were used for the first time in the history of warfare, and their effects on the environment and the population in Iraq.

First of all, reference must be made to the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, since weapons and munitions of this type cause unjustifiable pain and suffering to both the civilian population and the belligerents. Reference must also be made to the draft resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session (E/CN.4/Sub.2/1996/L.18), in operative paragraph 2 of which the Secretary-General was requested to collect information from Governments, other United Nations bodies and non-governmental organizations on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium, on their consequential and cumulative effects, and on the danger they represent to life, physical security and other human rights. Finally, reference must also be made to the draft resolution adopted by the First Committee of the General Assembly at its fifty-first session in 1996 (A/C.1/51/L.24), in the preamble of which the General Assembly took into consideration its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament, inter alia, to consider effective methods of control against the use of radiological methods of warfare.

The British and United States authorities have admitted using depleted uranium to improve their forces' ability to confront Iraqi armoured units. In this connection, in its edition published on 10 April 1995, the newspaper Le Monde Diplomatique quoted William M. Arkin, President of the Washington-based Institute for Science and International Security, as saying that about 300 tonnes of depleted uranium had been dropped on Iraq and Kuwait during the war. The newspaper also quoted the confidential report submitted by the United Kingdom Atomic Energy Authority to the British Government in November 1991, which stated that "there will be specific areas in which many rounds would have been fired where localized contamination of vehicles and the soil may exceed permissible limits and these could be hazardous to the local population".

A joint study conducted by specialists from three United States research institutions (the Rural Alliance for Military Accountability, the Progressive Alliance for Community Empowerment and Citizen Alert) confirmed that depleted

uranium rounds had been used, for the first time in the history of modern warfare, during the Gulf war and countless Iraqi soldiers had been killed either directly by depleted uranium shells or as a result of exposure to their radiation. The study estimated that 50,000 Iraqi children had probably died during the first eight months of 1991 from various diseases, including cancer, kidney failure and previously unknown internal diseases.

1. Radioactive contamination

In order to assess the severe damage suffered by civilian facilities as a result of their intensive bombardment by the coalition forces, teams of Iraqi specialists conducted a survey to identify the type of weapons used and their effect on the environment and the population, particularly in the southern parts of the country which were subjected to the heaviest bombardment and devastation throughout the period of the war.

The results of the survey showed that large areas of land in the governorate of Basra were contaminated by radioactive substances (depleted uranium) and there were many cases in which mysterious diseases had appeared in those areas, quite apart from the large number of persons who had been killed or wounded as a result of the direct effect of those weapons on the battlefield and on neighbouring areas (due to the mass destruction of armoured vehicles and the dispersion of radioactive dust to various areas).

The attached tables 1-4 summarize the results of the survey in three selected areas of the governorate of Basra and provide material proof of the use of depleted uranium. The long-term effect of these weapons on the environment and the food chain in southern Iraq remains unknown and, therefore, potentially serious.

Table 1

Results of the field measurements of exposure levels in the northern Rumaila area

Type of target selected	Level of radiation exposure (μ roentgen/hour)	
	Normal exposure level	Target exposure level
1. BMP1 personnel carrier	8.1	24.6
2. MTLB personnel carrier	8.2	9.7
3. T72 tank	8.7	15.1
4. Rescue tank	7.2	13.2

Table 2

Results of the field measurements of exposure levels in the areas of Shamiya airport and Kadirat al-Uzaimi

Type of target selected	Level of radiation exposure (μ roentgen/hour)	
	Normal exposure level	Target exposure level
1. T72 tank	7.0	60.8
2. Watercan personnel carrier	7.2	60.3
3. Location far from T72 tank (radioactive background)	7.1	7.3
4. Location far from personnel carrier	7.3	7.2

Table 3

Results of the field measurements of exposure levels in and around the demilitarized zone

Type of target selected	Level of radiation exposure (μ roetgen/hour)	
	Normal exposure level	Target exposure level
1. Iraqi oil pumping station on the Saudi Arabian border at Kharanij (depleted uranium warhead).	7.4	83
2. T55 tank between crossing points 13 and 14.	7.6	21
3. T72 tank No. 16107.	7.2	23
4. T55 tank to the left of closed crossing point 9.	7.4	67
5. T72 tank near the international observation post between crossing points 12 and 13.	7.6	69
6. T72 tank to the south-east of Sanam Hill near the headquarters of the warning and control battalion.	7	65

Table 4

Uranium 235/Thorium 234 radioactive isotope concentration at selected locations in specified areas

Name of area	Type of target selected	Uranium 235/Thorium 234 concentration
1. Northern Rumaila area	(a) BMP 1 personnel carrier	0.016
	(b) MTLB personnel carrier	-
	(c) T72 tank	0.022
	(d) Rescue tank	0.02
2. Shamiya airport area	(a) T72 tank	0.017
	(b) Watercan personnel carrier	0.023
3. Demilitarized and surrounding areas	(a) Iraqi oil pumping station on the Saudi Arabian border at Kharanij (depleted uranium warhead)	0.014
	(b) T55 tank between crossing points 13 and 14	0.012
	(c) T72 tank	0.01
	(d) T55 tank to the left of closed crossing point 9	0.02
	(e) T72 tank near the international observation post between crossing points 12 and 13	0.024
	(f) T72 tank at the foot of Sanam Hill	0.02
4. Standard uranium source		0.518

2. Effects on health

The competent Iraqi health authorities have conducted field and clinical medical and scientific surveys to study the effects of the intensive use of various weapons, some of which were used for the first time in the history of warfare by the coalition forces in their attack on Iraq. The following statistical studies show the incidences of some diseases which appeared in Iraq's environment after the war.

Leukaemia among children

This study was conducted by Dr. Husam ed-Din al-Jarmoukli, a paediatric specialist from the College of Medicine, Baghdad University, Iraq, at two of the main children's hospitals at Baghdad with a view to determining the incidence of acute lymphoblastic and non-lymphoblastic leukaemia at the Mansour Hospital in Saddam Medical City and comparing it with the situation at the Saddam Central Paediatric Hospital. The study showed notable increases in the number of child patients suffering from leukaemia who had been admitted to only two units in those hospitals. The following table shows the pattern of gradual increase during the years 1990-1993. Studies and surveys are continuing in order to determine the causal relationship between this increase and the excessive use of various weapons, including radioactive weapons.

Table 5

	Mansour Hospital				Saddam Central Hospital	
	Lymphoblastic leukaemia		Non-lymphoblastic leukaemia		Lymphoblastic leukaemia**	
Year	Number	%	Number	%	Number	%
1990	47	14.6	12	14.0	10	7.6
1991	82	25.5	18	20.9	Unit closed due to the war	
1992	88	27.3	21	24.4	47	35.6
1993	105	32.6	35	40.7	75	56.8
Total	322	100.0	86	100.0	132	100.0

** Statistics on non-lymphoblastic leukaemia not available.

The incidence of cancer

Dr. Amer al-Hashimi, Dr. Naziha Farman and Dr. Saad Shawqi Mansour (researchers and specialists in pathology at the College of Medicine, Baghdad University, Iraq) have compiled and analysed tests carried out on 4,020 cancer patients referred to their laboratories by the hospitals in Saddam Medical City at Baghdad. They found that 67.7 per cent of these patients were suffering from tumours that had been diagnosed by tissue examinations (histopathology). The most widespread forms of cancer were those affecting

the bladder, the skin, the throat, the breasts and the lung. Of the other forms (32.3 per cent), which were diagnosed through blood and spinal marrow tests (haematology), the most prevalent was leukaemia. Table 6 gives a breakdown of these cases by year, from which it can be seen that, as compared with 1989, there was a gradual increase in the number of patients referred for analysis.

Table 6

Year	Number of cases of cancerous tissue	Percentage	Number of cases of leukaemia and medullary cancer	Percentage	Total	Percentage
1989	499	18.3	156	12.0	655	16.3
1990	505	18.6	258	19.9	763	19.0
1991	576	21.1	250	19.3	826	20.5
1992	596	21.9	357	27.5	953	22.7
1993	546	20.1	277	21.3	823	20.5
Total	2 722	100.0	1 298	100.0	4 020	100.0

Table 7 shows the increase in the incidence of one form of leukaemia (acute lymphoblastic leukaemia) during the 1990-1993 post-war period, as compared with 1989.

Table 7

Year	Number of cases	Percentage
1989	47	8.2
1990	112	19.4
1991	130	22.6
1992	185	32.1
1993	102	17.7
Total	576	100.0

Excessive rate of change in human sperm after the war

This study was carried out by Dr. Ramzi Nayef Barnouti (specialist in urology and male sterility at the Ministry of Health's Al-Kindi Hospital) and Dr. Walid Ghanim al-Tawil (specialist in public and occupational health at the College of Medicine, Baghdad University, Iraq), who monitored a select group

of 69 patients attending Dr. Ramzi's surgery who had undergone sperm tests during the six-month period preceding the war and again during the first six months after the war. The tests showed a notable and statistically significant deterioration in the characteristics of their sperm components. There was an evident decline in the concentration of the spermatozoa, a change in their morphology and a reduction in their mobility, as can be seen from table 8. In view of the lack of any obvious reason for this deterioration, the two researchers believe that it is most probably attributable to the worsening environmental situation and the pollution caused by military operations etc. It should be noted that these patients came from various parts of Iraq and not from a single area.

Table 8

Characteristics	Pre-war rate	Post-war rate	P
Concentration (million spermatozoa/cm^3)	42.4	27.9	< 1%
Morphology (percentage normally formed)	43.5	30.6	< 1%
Mobility (percentage of active spermatozoa)	25.4	18.5	< 5%
Volume (cm^3)	2.85	1.6	> 5%

Survey of patients suffering from chromosomal changes, congenital syndromes and skeletal abnormalities diagnosed through clinical tests and chromosomal studies in 1989-1990 and 1992-1993

The survey, which was carried out by Dr. Salma Abdul Hafiz al-Taha (specialist in congenital diseases at the College of Medicine, Baghdad University, Iraq) on children under two years of age, showed an increase in the incidence of some of those diseases after the war in comparison with the pre-war period. All the patients attending the congenital disease laboratory in Saddam Medical City during the years 1989-1990 and 1992-1993 were recorded (1,038 patients during the former and 945 during the latter period). The survey showed that 19.5 per cent of the patients during the pre-war period were suffering from congenital diseases, as compared with 26.9 per cent during the post-war period.

The congenital diseases in which significant increases were noted during the post-war period 1992-1993 were atrophy of the reproductive organs, congenital syndromes, chromosomal trisomies, skeletal abnormalities such as shortness or total absence of some limbs or the abnormal presence of additional organs, digestive diseases such as enzymopathy, hydrocephalic or anencephalic live births and eye diseases such as congenital ocular obturation and even total absence of an eye. The following table gives details of these increases.

Table 9

	1989-1990 Total number: 1 038		1992-1993 Total number: 945	
Patients suffering from	Number	%	Number	%
Atrophy of reproductive organs	38	3.7	48	5.6
Congenital syndromes	11	1.1	46	4.9
Chromosome 13, 18 and 21 damage	38	3.7	46	4.9
Skeletal abnormalities	29	2.8	43	4.6
Digestive diseases	6	0.6	14	1.5
Hydrocephaly/anencephaly	5	0.5	10	1.1
Eye diseases	2	0.2	5	0.5

Summary

Excessive use was made of various weapons, some radioactive types of which were used for the first time in the history of warfare. The various reports and studies that have so far appeared on this subject show that the allied forces used 300-700 tonnes of depleted uranium against the Iraqi forces in the southern theatre of military operations.

Mysterious diseases and particularly diseases of a cancerous nature, which were not widespread in Iraq before the aggression, have appeared.

Studies are currently being undertaken by Iraqi specialists, acting in collaboration with various international personalities and organizations, to determine the causal relationship between the excessive use of various types of weapons, including radioactive weapons, and the large increase in mysterious diseases, particularly those of a cancerous nature, which has been noted in Iraq during the last five years.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 4 February 1997 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights and has the honour to enclose herewith the response of the Government of Iraq to the report of Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, submitted to the Third Committee of the General Assembly (A/51/496 and Add.1).

The Permanent Mission of Iraq would be grateful if the Centre for Human Rights could have this reply circulated as a document of the fifty-third session of the Commission on Human Rights under item 10 of the provisional agenda.

Iraq's reply to the report submitted by the Special Rapporteur to the fifty-first session of the General Assembly of the United Nations in 1996

I. Introduction

1. The Government of the Republic of Iraq has always endeavoured to explain its position in regard to the reports submitted by the Special Rapporteur on the situation of human rights in Iraq. It has done so for various reasons, but primarily in order to highlight the spurious nature of the accusations, allegations and fabrications contained in those reports, clarify the positions adopted and dispel the fallacies with a view to acquainting the international community with the true situation in Iraq and, at the same time, expressing the sincere desire of the Government of Iraq to cooperate with the United Nations bodies concerned with human rights.

2. In this connection, the Government of Iraq believes that it would be useful to refer to the reports submitted in previous years to the Commission on Human Rights and the General Assembly, as contained in documents A/56/647; A/C.3/47/2; A/48/387; A/49/394; A/48/875; E/CN.4/1995/110; E/CN.4/1995/138; A/50/471; E/CN.4/1996/114 and E/CN.4/1996/119.

3. Those documents contain many factual clarifications and rebuttals of the allegations and fabrications, totally unsubstantiated by any material proof, which the Special Rapporteur included in his previous reports and which he is still reiterating for political reasons the main aim of which is to besmirch the reputation of Iraq and its national leadership.

4. This reply deals with the Special Rapporteur's interim report contained in document A/51/456 of 15 October 1996 and A/51/496/Add.1 of 8 November 1996, which were submitted to the fifty-first session of the General Assembly.

5. The first thing that the reader notes is that the report, like its predecessors, relies on unsubstantiated testimonies and on incidents which cannot be discussed due to the failure to provide any details concerning them. Moreover, the report verbosely presents allegations in the form of hearsay. Hence, it seems evident that the Special Rapporteur did not take the trouble to verify the allegations transmitted to him, as a result of which his report is biased and hardly in keeping with the responsibilities vested in him, since he should not propagate allegations without verifying the information received, nor should he show flagrant partiality for incorrect or distorted assertions made by informants in a clumsy attempt to win credence for their lies. Furthermore, the Special Rapporteur relies on two sources of information: persons connected with foreign States and persons connected with the US Central Intelligence Agency. The events which occurred in northern Iraq in the later part of August 1996 and which were reported by international press and news agencies revealed many scandals concerning the extent to which the so-called Iraqi opposition was linked to the CIA and the manner in which the latter was providing it with funds and technical expertise. Hence, reliance should not be placed on those sources, which are well known for their persistent hostility to Iraq, nor should credence be given to their allegations and fabrications which are intended primarily to serve their own ends.

II. Violations of civil and political rights

6. With regard to the content of paragraphs 8 and 9 of the Special Rapporteur's report, the Government of Iraq wishes to emphasize that it has not made any arbitrary arrests. It follows the proper legal procedure, consisting in the issue of an arrest warrant by a judge or a court unless otherwise permitted by law (art. 92 of the Code of Criminal Procedure), in accordance with the recognized practice in all countries of the world. These judicial warrants are put into effect by the police in a proper legal manner. Van der Stoel's allegations concerning mass arrests in northern Iraq are pure fabrications, since everyone is aware of that region's special status and the consequences of the abnormal situation in which it finds itself, being outside the scope of the State administration due to foreign military intervention and the establishment of air exclusion zones.

7. With regard to paragraphs 10 and 11 concerning the exertion of pressure on the families of detainees, these allegations are totally unfounded, unsubstantiated and out of keeping with our Arab and Islamic values. They are also incompatible with the most fundamental concepts of objectivity which should be one of the principal characteristics of the Special Rapporteur in order to enable him to assume and discharge his moral responsibilities by making objective, fair and impartial judgements. Van der Stoel should not have adopted this base method of calumny.

8. Paragraphs 12 and 13 clearly illustrate the manner in which Van der Stoel is deliberately seeking to harm Iraq by reiterating allegations concerning the enforcement of harsh penalties even though, elsewhere in his report, he indicates that, under the terms of Revolution Command Council Decree No. 81 of 1996, these penalties are no longer applied. This confirms his total lack of objectivity, credibility and precision in the transmission of information and his intention to confuse and mislead persons monitoring the human rights situation in Iraq.

9. With regard to his allegations concerning the execution of a number of doctors who refused to implement the decrees imposing harsh penalties, the Government of Iraq wishes to refer to paragraph 383 of the report of the Special Rapporteur on torture (E/CN.4/1996/35/Add.1) in which he states that he had received letters from the doctors to whom Van der Stoel refers in which they confirmed that they were engaging in their usual activities in a normal manner and had not been subjected to any harassment.

10. Regarding paragraphs 16-21, concerning what he calls "guilt by association", the Government of Iraq wishes to emphasize that the allegations contained in these paragraphs are totally unfounded; they are pure fabrications and biased accusations that are baseless, devoid of any material proof and intended to besmirch the reputation of Iraq and its national regime.

11. The report refers to allegations concerning violations of freedom of opinion and expression in Iraq. However, it disregards the fact that Iraq is living in inhuman conditions due to the comprehensive embargo, one aspect of

which consists in cultural isolation and repression, and that Iraq's information media and cultural institutions were one of the targets of the aggression against it by 30 States led by the United States of America and its allies.

12. The embargo and the deplorable health conditions and acute shortage of medicines to which it has led has caused the deaths of a large number of the country's leading intellectuals due to the non-availability of medicines and adequate health care. The report makes no mention of this.

13. In paragraph 22 of the section on freedom of opinion and expression, the report asserts that all the information media are State-owned and extremely closely controlled.

14. This is untrue, since not all the information media are State-owned. The most outstanding examples of non-State-owned newspapers that are currently published are the daily Al-Iraq, which is run by a private group holding a franchise, Al-Thawra, Babil and the Human Rights Bulletin published by the Human Rights Association in Iraq. There are also a number of publications and information institutions which are supervised and run by trade unions, professional and popular organizations, social and cooperative institutions and cultural and artistic associations. This is permitted under the terms of article 6 of the Publications Act No. 206 of 1968, as amended, which also authorizes other persons to issue similar publications such as the Al-Adib al-Mu'asir magazine, which is the mouthpiece of the Federation of Iraqi Authors and Writers, the Al-Ruwwad magazine published by the non-governmental Al-Ruwwad Forum which includes the country's leading intellectuals, the Al-Adib al-Kurdi magazine which is the mouthpiece of the Kurdish authors, the Al-Adib al-Turkmani magazine which is the mouthpiece of the Turkoman authors, the Al-Adib al-Suryani magazine and the Syriac Al-Nahrain magazine, all of which are published by non-governmental organizations or federations. According to the same paragraph of the report, "the Government has strengthened its control over the information media through a series of enactments, such as Press Act No. 206 of 1968, which prohibits the writing of articles on 12 specific subjects, including anything that may be deemed detrimental to the President, the Revolution Command Council or the Revolution; section 16 of this law penalizes violations with terms of imprisonment entailing compulsory labour".

15. It is noteworthy that our comment in the introduction to this reply, to the effect that Van der Stoel did not take the trouble to verify the allegations that he received, is clearly borne out by this paragraph of his report, since the enactment in question is not the Press Act but rather the Publications Act No. 206 of 1968, article 16, paragraph 1, of which prohibits the publication of anything derogatory to the President of the Republic, the members of the Revolution Command Council, the Prime Minister or persons deputizing for them. This is normal practice in the legislation of most countries, under which it is prohibited to publish anything derogatory to the head of State, who symbolizes the nation, particularly in wartime. In the case of Ministers and other officials, "derogatory" means injurious or defamatory to their persons and does not refer to their work or performance. Paragraphs 2-12 of the same article make no mention of the President of the Republic; they merely speak of the inadmissibility of publishing anything

which is detrimental to Iraq's relations with Arab or friendly States, which advocates regionalistic ideologies or the commission of crimes, which incites hatred, rancour or discrimination among the people, their ethnic groups or their religious communities, or which constitutes an attack on religion and general moral values or which is likely to affect the respectability and fairness of the judiciary or influence pubic prosecutors, lawyers, investigators, witnesses or public opinion in regard to a case that has been brought before the courts.

16. We do not believe that the publication of these matters, which is prohibited by law, would be in the interests of society, nor do we believe that this prohibition detracts from freedom of expression. On the contrary, the publication of such matters is prohibited not because, as alleged in the report, the Government "has transformed the media into an instrument of propaganda through which it can dominate and control the flow of information", but solely in order to prevent the publication of anything that is likely to be prejudicial to the religious beliefs and general moral standards of the people or to the fairness of the judiciary, and in order to ensure that the press acts as a means to serve society. In addition, the State has approved a Press Act permitting the publication of private and party newspapers in keeping with the concept of political pluralism, but the application of this Act had to be postponed due to the circumstances of the aggression against Iraq and the comprehensive embargo that has been imposed on it.

17. Paragraph 23 of the report refers to the fact that Revolution Command Council Decree No. 840 of 4 November 1986, promulgated at the height of the Iraq-Iran war, prohibited the publication of anything derogatory to the armed forces in wartime or to the head of State, who is its national symbol, in order to safeguard national unity. Such a prohibition can be imposed under the laws of many countries of the world.

18. The same paragraph also refers to the existence of decrees under which persons who leave the Baath Party may be executed, which is misleading and totally untrue since there is no legal provision to this effect, freedom of political belief and activity being guaranteed by the Constitution.

19. With regard to Al-Waqa'i al-Iraqiya (Iraq's Official Gazette), this publication is distributed at the same places as all other newspapers and there is no difficulty in obtaining it. However, like other Iraqi newspapers and magazines, the number of copies printed has been reduced since, from the outset, the United Nations Sanctions Committee has opposed the export of paper to Iraq, thereby forcing the State to reduce the print runs of all publications. This measure, which was necessitated by the embargo itself, has also led to a reduction in the quantities of school textbooks and copybooks printed for students at all academic levels, including the university level.

20. The allegation in paragraph 24, concerning the telephone operator, is an outright lie foisted on the Special Rapporteur, since no name, date or place was given for that alleged incident. There is no ban whatsoever on international telephone communications although, due to the circumstances of

the embargo and the shortage of hard currency, some controls have been introduced to reduce the wastage of hard currency on telephone communications. Every citizen is completely free to telephone abroad, without any surveillance or ban by any body whatsoever.

21. Paragraph 25 alleges that Omar Mohammed Fadil, a famous Iraqi "oud"-maker, was executed because he had expressed a wish to see his family in Kuwait. This lie, in which Van der Stoel became ensnared, is refuted by the fact that the citizen in question is still alive and well and is practising his craft in full freedom. In fact, his workshop was visited by some Arab literary personalities who attended the Marbad festival in 1996, including the Bahraini poet Ali Abdullah Khalifa, the Bahraini university professor Dr. Ibrahim Abdullah Ghalloum and others. He would actually like to go to Kuwait to visit his family but for the Kuwaiti Government's attitude on this matter. The Special Rapporteur should therefore ask the Kuwaiti rather than the Iraqi Government about this matter.

22. Paragraph 26 is similar to paragraph 24 insofar as the false accusations and fabrications to which it gives credence are untrue and totally unsubstantiated.

23. With regard to paragraph 27, periodic meetings are indeed held to acquaint editors-in-chief with the policies and positions of the State on current internal and external affairs. These meetings are held not only with the Minister of Information but also sometimes with the Minister for Foreign Affairs, the Minister of Oil and the Minister of Trade, etc. The information provided by these officials is not binding on the journalists attending those meetings, which are held either on the initiative of the Minister or at the request of the newspapers and information media, as happens in many other States.

24. While expressing astonishment at Van der Stoel's defence of the Iranian Government during the Iraq-Iran war and his allegation that the Iraqis referred to the Iranians as "fire-worshippers", the Government of Iraq wishes to point out that the President of the Republic of Iraq addressed the Iranian peoples in several letters, printed in Arabic, Persian, English and other languages, in which he spoke of the Iranian civilization and the links of Islamic brotherhood between the Iraqis and the Iranians. These letters were published and circulated during the bitter years of the war and are documented in our files. If some journalists used the expression "Persian Magians" in their articles, this was a reaction to the designation of the Iraqis as "infidels" by the Iranian information media and Iranian officials. Moreover, the term "Magians" has a historical background of which the peoples of the region are well aware. With regard to George Bush, the President of the United States of America during the American-led aggression against Iraq by 30 States, it seems quite logical and natural that he should have been attacked since it was he who committed the crime of aggression against the Iraqi people and Iraqi civilization. He was responsible for the murder of the Iraqi prisoners who were buried alive or crushed under the tracks of US tanks, which the international press regarded as a criminal act for which Bush deserved to be tried by an international tribunal. He also caused the deaths of at least 1 million Iraqis through the embargo and was responsible for the bombardment of the Ameriya air-raid shelter in which children and elderly

persons were killed, which prompted some non-governmental organizations and international personalities to propose that he be tried by an international war crimes tribunal.

25. Paragraph 28 alleges that journalists are "placed under a lot of pressure to join the Baath Party". This is astonishing and ridiculous, since many employees of press institutions are not members of the Baath Party and some of them hold senior posts such as that of editor-in-chief of highly respected magazines and newspapers. The incident referred to in the report, concerning the manner in which two journalists were treated at a conference held at Baghdad, was attributable to the spirit of rivalry that prevailed at that journalists' electoral meeting in which four of the participants, in an emotional outburst, treated two of their colleagues in a rash manner. The matter ended there. The two journalists in question are still working for press institutions and enjoy all their professional and legal rights. Mr. Uday Saddam Hussein was not present at the meeting and was not standing as a candidate in those elections.

26. Paragraph 29 of the report is evidently based on information received from unreliable sources propagating lies of this type which, as usual, the Special Rapporteur accepted without verification. Who was this journalist who was abducted and killed?

27. Any hostile body can circulate such false allegations in this manner in furtherance of its political objectives.

28. The content of paragraph 30 is imprecise. All the newspapers do not follow the same policy and, in this connection, it is well known that each newspaper has its own method of publishing articles. The post of "president of the unit" does not exist in the press institutions. The allegation contained in the report, to the effect that journalists are required to mention the President of the Republic in their articles on culture, sports and the theatre, is totally untrue. We find such an allegation astonishing, since thousands of political, cultural, theatrical and other articles are published every day in the local newspapers and magazines without mentioning the name of the President of the Republic and no one has ever been called to account for failing to mention the President's name in an article or a press commentary.

29. The vast majority of the persons who left Iraq did so lawfully in quest of a livelihood due to the situation brought about by the embargo imposed on Iraq and very few served foreigners against their country while it was in a state of war.

30. With regard to paragraph 31 of the report, concerning foreign journalists, there is a Press Centre at the Ministry of Culture and Information which provides interpretation and escort services for foreign journalists who request such services, particularly when they wish to interview some official personalities.

31. The work of foreign journalists discharging their press and information functions in Iraq is not impeded by censorship exercised by any official body. This was recently illustrated during the public referendum concerning the post of President of the Republic when the Press Centre at the Ministry of Culture

and Information distributed a letter in four languages among the foreign journalists covering the referendum. That letter, a copy of which is attached hereto, assured them that they were free to travel in Iraq and observe the referendum process without censorship and without escort, which is exactly what they did.

32. Paragraph 32, concerning the role of the Arab Baath Socialist Party, neglects to refer to other provisions concerning the Ministry's role in the promotion of Iraqi culture and, in particular, in the process of revitalizing the Arab-Islamic heritage, stimulating public awareness of Arab civilization and preserving and developing the Iraqi national culture and arts of the various ethnic communities within the framework of national unity.

33. By virtue of its leadership of the 17 July 1968 revolution, the Baath Party emphasizes its humanitarian role in the development of Iraqi and Arab culture in the face of the cultural and moral invasion and subversion to which it is being subjected by pseudo-cultural circles funded by foreign intelligence institutions. We regard this as a legitimate right, since similar policies are being pursued in various ways in most countries of the world.

34. Paragraph 33 repeats the false and distorted information included in the preceding paragraphs 28, 29, 30 and 32, concerning the exodus of intellectuals pressurized by the State. No author or journalist has ever been penalized for not expressing written or verbal support for the State. Moreover, as already mentioned, some authors and intellectuals have migrated due to the situation brought about by the embargo. They left in a lawful manner with help from their professional organizations.

35. The report's reference to Al-Aqlam magazine which, like many other cultural magazines, is published by Dar al-Shu'un al-Thaqafiya al-Amma, provides us with an opportunity to speak of the grievous effects of the cultural embargo that has been imposed on Iraq. There has indeed been a gradual reduction in the volume of this and other magazines such as Afaq Arabiya, Al-Thaqafa al-Ajnabiya, Al-Mawrid, Al-Turath al-Sha'bi and Ulum and some magazines such as Funun and Al-Tali'a al-Adabiya have ceased publication due to the shortage of paper and printing materials the import of which is not permitted by the Sanctions Committee. It is noteworthy that, during the pre-embargo years 1985-1990, the above-mentioned publishing house alone issued 1,607 books on a wide variety of cultural subjects, in addition to the above-mentioned magazines, but was not able to publish more than 452 books during the post-embargo years 1991-1996. Magazines such as Al-Aqlam have been forced to reduce the number of their pages in order to ensure their ongoing publication. This is due to the unjust comprehensive embargo that has been imposed on Iraq. The report should have studied this phenomenon since it constitutes a violation of human rights in Iraq where more than 200 public information and cultural periodicals have ceased publication due to the shortage of paper, printing materials and spare parts for printing machines and equipment.

36. Paragraph 34 refers to the difficult economic situation prevailing in Iraq. This is true, due to the circumstances of the embargo. However, these difficulties are not encountered only by journalists; they affect all Iraqis in all sectors.

37. The award of prizes is a tradition in many countries of the world. These prizes, which are intended to reward the authors of original intellectual and cultural works, are not politically motivated.

38. With regard to paragraph 35, the printing of books in general has indeed been rationalized. In this reply, we have already quoted some figures concerning the reduction in the publication of books due to the embargo. This rationalization was only natural since schoolchildren and university students need millions of copies of textbooks and copybooks and paper and printing materials are not available for the educational and cultural development programmes to which the State accords high priority. The Special Rapporteur should have highlighted the fact that Iraqi students at all academic levels are being deprived of their right to education and knowledge.

39. With regard to publications from abroad which, according to the report, are "generally prohibited", books and publications are now being imported but only through barter and in lesser quantities than before the embargo due to the lack of hard currency. The Special Rapporteur's allegation is refuted by the statistics concerning the import of books and publications during the pre-embargo years when Iraq was one of the Arab countries in which books and publications were most widely available.

40. Paragraph 36 of the Special Rapporteur's report alleges that the private possession of a typewriter, photocopying machine or personal computer causes suspicion. This allegation is untrue, irresponsible and astonishing, since private individuals and non-governmental institutions have no difficulty in acquiring typewriters, photocopying machines and personal computers. Moreover, by law, everyone is free to import a personal computer. Written correspondence between Iraqis and persons living abroad is not subject to surveillance. There was partial and limited surveillance of correspondence only during the period of the Iraq-Iran war.

41. The content of paragraph 38 of the report seems unworthy of a special rapporteur who claims to be objective. It gives a totally vague and distorted picture of the freedom of expression that Iraqi citizens enjoy in newspapers and magazines.

Freedom of movement

42. With regard to paragraphs 39 and 40, concerning freedom of movement, the Government of Iraq wishes to emphasize that the statements made therein are greatly exaggerated. In order to travel outside Iraq, a citizen must hold a valid passport, as is the case everywhere in the world. The Special Rapporteur's statements concerning restrictions that impede the issue of passports to Iraqi citizens are false allegations, since any Iraqi citizen can obtain a passport provided that he submits the requisite documents proving his identity, etc.

43. The Government of Iraq resorted to the imposition of a tax on travel as a purely administrative and financial measure that was not intended to impede travel by citizens or discriminate between them on political or social grounds; it was necessitated by the situation brought about by the iniquitous economic embargo imposed on Iraq. The Government of Iraq reviews this measure from time to time in such a way as to facilitate travel by all citizens in accordance with article 24 of the Iraqi Constitution, which stipulates that: "Citizens shall not be prevented from travelling outside the country or returning thereto, nor shall their movements or residence within the country be restricted except as provided by law".

44. Paragraph 41 does not warrant a reply since it blatantly misrepresents the actual situation in Iraq. We fail to see how any intelligent person could propagate such despicable allegations, since anyone can observe the completely free movement of citizens and goods between the various governorates of Iraq. The checkpoints on roads outside the towns were established to ensure the smooth flow of traffic, check vehicles, apprehend violators of traffic regulations and render assistance in the event of road accidents.

45. Travel to and from the northern governorates was subject to some special restrictions necessitated by the abnormal circumstances with which that region was faced. However, following an improvement in the situation there in September 1996, all the restrictions were lifted and the movement of persons and domestic trade to and from the autonomous governorates is now flowing normally.

The nature of the political regime

46. In paragraphs 43-48 of his report, Van der Stoel reiterates the false allegations and fabrications already made in his preceding reports concerning the national regime in Iraq. These allegations, which are totally biased and unfair, form part of a hostile campaign against Iraq that is manifestly politically motivated and lacking in factual evidence, as a result of which Van der Stoel has lost even the minimum degree of credibility.

47. Contrary to his allegations, the political regime in Iraq is a national regime that acts in accordance with the Constitution, article 2 of which stipulates that: "The people are the source of authority, which they legitimize". All its administrative agencies and other bodies operate in accordance with the Constitution and the legislation, regulations and directives in force. Under articles 61 and 62 of the Constitution, the Council of Ministers is empowered to draft legislation, regulations and decrees, formulate the State's public plans and budgets and supervise its official and semi-official institutions. Hence, it acts in the same way as most councils of ministers throughout the world.

48. Van der Stoel has deliberately attempted to misrepresent and detract from every positive measure taken to promote the process of democratization in Iraq. The parliamentary and local council elections that have been held in Iraq, as well as the referendum concerning the post of President of the Republic, have strengthened the people's ability to express their true wishes as the source of authority. His allegations in this regard constitute blatant interference in Iraq's internal affairs with a view to changing its national

regime which has been chosen, in a completely free manner, by the Iraqi people. This unquestionably exceeds the scope of the mandate vested in him by the Commission on Human Rights.

49. For many years, even before the aggression to which it was subjected by 30 States in 1991, the Government of Iraq had been formulating plans to promote the process of democratization, primarily through a multi-party political system, the draft Constitution which was debated at the official and popular levels in 1991, the promulgation of the Political Parties Act No. 30 of 1991 and the Local People's Councils Act No. 25 of 1995, under which Iraqis holding a variety of different views were given an opportunity to take part in political life, and the direct popular referendum concerning the post of President of the Republic, which was a basic manifestation of democracy which Van der Stoel attempted to belittle in a sceptical, malicious and premeditated manner.

50. Paragraphs 49-58, concerning the National Assembly elections, denigrate the people's right to choose their representatives, as recognized in the International Covenants and resolutions of the General Assembly of the United Nations, the most recent of which was resolution 50/172 entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", which reaffirmed the principle of self-determination under which "all peoples have the right, freely and without external interference, to determine their political status" and reaffirmed that "any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes ... or that are intended to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations". Hence, Van der Stoel's allegations in this regard not only disregard the resolutions of the United Nations but even violate the provisions of its Charter.

51. With regard to Van der Stoel's allegation in paragraph 51 of his report, to the effect that the withdrawal of the central authorities from the Northern Region prevented its population from voting in the elections, we wish to point out that the Government of Iraq has frequently emphasized that its withdrawal from the Northern Region did not imply that it was shirking its responsibilities. That withdrawal was necessitated by the situation resulting from military intervention by the coalition forces and the protection and support that they extended to the warring factions in that region, thereby creating a state of anarchy which prevented its population from exercising the civil and political rights guaranteed by the Iraqi Constitution, the Autonomy Act and the Acts establishing the Legislative and Executive Councils of the Autonomous Region. Hence, the Government of Iraq cannot be held responsible for the consequences of their inability to take part in the general elections. Nevertheless, the Government took care to ensure that the region's population were represented in the Iraqi National Assembly.

52. With regard to paragraphs 59 and 60, concerning the prevalence of bribery and corruption which the Special Rapporteur has portrayed in an exaggerated, distorted and awesome manner, the Government of Iraq does not deny the existence of some manifestations thereof. However, it is well known

that they are punished with the full force and severity of the law, particularly in the present circumstances resulting from the ongoing economic embargo. Contrary to his allegations, the Government does not turn a blind eye to the phenomena of bribery and corruption. Since 1968, one of the Government's priorities has been to put an end to all the manifestations of administrative corruption, which were widespread during previous eras, through the promulgation of numerous decrees and the adoption of effective measures to enable the Iraqi people to enjoy their economic, social and cultural rights.

53. In his allegations, Van der Stoel deliberately and maliciously disregards the difficult economic circumstances created by the ongoing embargo, which led to the appearance of those phenomena and induced some venal persons to accept bribes. It should be noted that these phenomena were totally unknown before the embargo began to have increasingly adverse effects on all public institutions.

III. The right to food and health care

54. In paragraphs 61-86, Van der Stoel claims that there is systematic discrimination in the distribution of foodstuffs and medicine. In this connection we wish to reiterate that, since the imposition of the economic embargo on Iraq in 1990, the Government of Iraq has been applying a ration card system under which all Iraqi and non-Iraqi residents of Iraq receive equal amounts of specific foodstuff items without any form of discrimination. This system has been commended by numerous United Nations bodies and agencies.

55. The details of the mechanism for the implementation of the Memorandum of Understanding signed with the United Nations in May 1996 are totally outside the scope of Van der Stoel's mandate and his statements in this regard merely constitute a reprehensible attempt to interfere in the relationship between Iraq and the Secretariat of the United Nations with the ill-intentioned aim of obstructing the endeavours that are being made in this connection.

56. Concerning the Memorandum of Understanding, the Government of Iraq wishes to point out that the "oil-for-food agreement" is insufficient to meet all the basic human needs of the Iraqi people, as has already been confirmed by the Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session in 1996 (see document E/CN.4/Sub.2/1996/L.14).

57. With regard to Sections C and D of Chapter III, the Government of Iraq has submitted a detailed study, substantiated by statements, statistics, provisions of the International Covenants on Human Rights and opinions of specialized international bodies, concerning the humanitarian situation in Iraq and the tragic consequences of the ongoing economic embargo (see document A/C.3/51/6 of 1 October 1996).

MINISTRY OF CULTURE AND INFORMATION

Press Centre

Baghdad, 12 October 1995

Dear Colleagues,

Welcome to Baghdad!

1. In keeping with our policy of allowing free scope for correspondents and journalists to discharge their tasks, we wish to confirm that you can move around, visit polling stations, interview citizens, engage the services of interpreters and hire vehicles without any restrictions and without the need for any authorizations or permits from us or any other body.

2. However, if you so desire, the Press Centre is willing to make its transportation and interpretation services available to any correspondents wishing to visit polling stations in or outside Baghdad. Those wishing to avail themselves of these services are requested to inform the Centre 24 hours in advance so that we can arrange to provide a vehicle and an interpreter or escort. You may be accompanied by other fellow correspondents.

3. Those wishing to visit Mosul, Basra and neighbouring governorates should inform the Centre on Friday, 13 October 1995, so that their travel and hotel bookings there can be arranged. The departure for those two cities is scheduled for Saturday, 14 October 1995, returning on Monday, 16 October 1995.

With best regards.

(Signed) Faris Qasira
Director of the Press Centre

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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 5 of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Contribution by the Food and Agriculture Organization of the United Nations

[Original: English]
[17 February 1997]

The Food and Agriculture Organization of the United Nations (FAO) wishes to submit the following to the Commission on Human Rights for information.

1. Under the auspices of FAO and with the support of the General Assembly of the United Nations, the World Food Summit took place in Rome from 13 to 17 November 1996 with the participation of heads of State and Government and other high-level delegates from 186 countries. The Summit adopted the Rome Declaration on World Food Security and the World Food Summit Plan of Action, in which a separate Objective was dedicated to the right to food.

2. In the Rome Declaration on World Food Security it is stated at the beginning:

> "We, the Heads of State and Government, or our representatives, gathered at the World Food Summit at the invitation of the Food and Agriculture Organization of the United Nations, reaffirm the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger."

3. Under Commitment Seven, to implement, monitor and follow up the World Food Summit Plan of Action, Objective 7.4 is as follows:

"To clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all.

"To this end, Governments, in partnership with all actors of civil society, will, as appropriate:

"(a) Make every effort to implement the provisions of article 11 of the International Covenant on Economic, Social and Cultural Rights (the Covenant) and relevant provisions of other international and regional instruments;

"(b) Urge States that are not yet parties to the Covenant to adhere to the Covenant at the earliest possible time;

"(c) Invite the Committee on Economic, Social and Cultural Rights to give particular attention to this Plan of Action in the framework of its activities and to continue to monitor the implementation of the specific measures provided for in article 11 of the Covenant;

"(d) Invite relevant treaty bodies and appropriate specialized agencies of the United Nations to consider how they might contribute within the framework of the coordinated follow-up by the United Nations system to the major international United Nations conferences and summits, including the World Conference on Human Rights, Vienna 1993, within the scope of their mandates, to the further implementation of this right;

"(e) Invite the United Nations High Commissioner for Human Rights, in consultation with relevant treaty bodies and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, to better define the right related to food in article 11 of the Covenant and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all."

4. The whole Plan of Action relates of course to the right to food and food security. Following are some excerpts of relevance to the work of the Commission:

(a) In the introduction to the Plan of Action:

"... 12. The implementation of the recommendations contained in this Plan of Action is the sovereign right and responsibility of each State through national laws and the formulation of

strategies, policies, programmes, and development priorities, in conformity with all human rights and fundamental freedoms, including the right to development, and the significance and full respect for various religious and ethical values, cultural backgrounds and philosophical convictions of individuals and their communities should contribute to the full enjoyment by all of their human rights in order to achieve the objective of food security for all."

(b) Commitment One:

"We will ensure an enabling political, social, and economic environment designed to create the best conditions for the eradication of poverty and for durable peace, based on full and equal participation of women and men, which is most conducive to achieving sustainable food security for all."

(c) Objective 1.1:

"To prevent and resolve conflicts peacefully and create a stable political environment through respect for all human rights and fundamental freedoms, democracy, a transparent and effective legal framework, transparent and accountable governance and administration in all public and private national and international institutions, and effective and equal participation of all people, at all levels, in decisions and actions that affect their food security.

"To this end, Governments, in partnership, as appropriate, with all actors of civil society, will where not already accomplished:

"...

"(b) Develop policy-making, legislative and implementing processes that are democratic, transparent, participatory, empowering, ...

"(c) Promote and strengthen well-functioning legal and judicial systems to protect the rights of all people;

"(d) Recognize and support indigenous people and their communities ...

"..."

(d) Objective 1.3

"To ensure gender equality and empowerment of women. ..."

(e) Under Objective 1.4, Governments will, as appropriate:

"... (b) Enact or strengthen policies to combat discrimination against members of socially vulnerable and disadvantaged groups,

and persons belonging to minorities, with particular attention to their rights to land and other property, and to their access to credit, education and training, commercial markets and food security programmes. ..."

(f) Commitment Two:

"We will implement policies aimed at eradicating poverty and inequality and improving physical and economic access by all, at all times, to sufficient, nutritionally adequate and safe food and its effective utilization."

(g) Objective 2.2:

"To enable food-insecure households, families and individuals to meet their food and nutritional requirements and to seek to assist those who are unable to do so.

"To this end, governments, in partnership with all actors of civil society, as appropriate, will:

(a) Develop and periodically update, where necessary, a national food insecurity and vulnerability information and mapping system, indicating areas and populations, including at local level, affected by or at risk of hunger and malnutrition, and elements contributing to food insecurity ..."

(h) Commitment Four:

"We will strive to ensure that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a fair and market-oriented world trade system."

5. The Rome Declaration on World Food Security and World Food Summit Plan of Action is available from FAO and on the Internet at http://www.fao.org/wfs/homepage.htm.